



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/234,048 01/19/99 LOWERY

K 02577.P001D

EXAMINER

TM02/0827

MATTHEW B. TALPIS, ESQ.  
BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS TX 75201-2980

PERVEEN, R

ART UNIT

PAPER NUMBER

2182  
DATE MAILED:

08/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b> 09/234,048	<b>Applicant(s)</b> LOWERY ET AL.	
	<b>Examiner</b> Rehana Perveen	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 19-31 and 33-45 is/are rejected.
- 7) ☒ Claim(s) 18 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> . | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2182

*Response to Amendment*

1. Applicant's Amendment (B) filed on 23 May 2001 has been received, reviewed, and considered. The following rejections now apply.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 19-31, and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al, patent no. 5,752,246, in view of Malcolm, patent no. 5,701,463.
4. As to claim 17, Rogers et al teach routing a request from a Web server to a page server, the page server receiving the request and releasing the Web server to process other requests, intercepting the request at the Web server and routing the request to the page server,

Art Unit: 2182

processing the request by the page server while the Web server concurrently processes the other requests, and dynamically generating a Web page in response to the request, the Web page including data dynamically retrieved from one or more data sources (col. 5 line 18 - col. 6 line 58 and col. 11 line 64 - col. 12 line 26).

5. However, Rogers et al do not **explicitly** teach the web server simply intercepting and routing the request. Rogers et al teach the web server itself deciding whether to send the request to the other server.

6. Malcolm teaches the usage of a special program in the server to intercept the request and decide how to fulfill the request (col. 1 lines 62-65 and col. 4 lines 57-63).

7. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Rogers et al and Malcolm because Malcolm teaches modifying the function of a server without changing the server by using a special program, thus when Malcolm's teaching is incorporated into Rogers et al, Rogers et al do

Art Unit: 2182

not have to modify the original web server improving the prior existing web server environment.

8. As to claims 19 and 20, Rogers et al teach identifying said one or more data sources and dynamically retrieving data from the one or more data sources (figure 1 and figure 7).
9. As to claim 21, Rogers et al, inherently, teach maintaining a connection cache to one or more data sources.
10. As to claim 22, Rogers et al teach logging into the one or more data sources (inherent).
11. As to claim 23, Rogers et al, inherently, teach maintaining a page cache containing the Web page.
12. As to claims 24-26, Rogers et al teach tag-based text templates for configuring the Web page, inserting the dynamically retrieved data from the one or more data sources into the tag-based text templates, at least one of said tag-based text templates drives a format of the data dynamically retrieved from the one or more data sources in response to

Art Unit: 2182

the request (col. 5 line 18 - col. 6 line 58 and col. 11 line 64 - col. 12 line 26).

13. As to claim 27, Rogers et al teach the tag-based text templates include HTML templates (col. 5 lines 18-36 and col. 7 lines 1-18).

14. As to claim 28, Rogers et al, inherently, teach dynamically updating data at the one or more data sources.

15. As to claims 29 and 30, Rogers et al, inherently, teach processing an object handling extension, the object handling extension being an OLE extension.

16. Claims 31 and 33-45 are different variations of claims 17-30, and therefore, are rejected under the same rationale.

***Allowable Subject Matter***

17. Claims 18 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2182

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications  
intended for entry)

**Or:**

(703) 308-5359 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

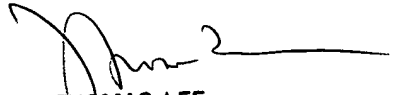
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen, whose telephone number is (703) 305-8476. The examiner can normally be reached Monday through Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached at (703) 305-9717. The fax phone number for this Group is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Rehana Perveen  
August 20, 2001

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100